

**BOARD OF MADISON COUNTY COMMISSIONERS**  
**July 29, 2008 MINUTES**

On Tuesday, July 29, 2008, a meeting of the Board of Madison County Commissioners came to order at 9:45 a.m. in the Commissioners' Conference Room of the Madison County Courthouse in Virginia City, Montana, with Commissioners David Schulz, Jim Hart, and Marilyn Ross present.

Cathy Gustin, fill-in administrative support, read minutes from the July 15, 2008, meeting and sat in on a portion of the meeting for training purposes.

Jim Hart moved to approve the July 15, 2008, minutes as read. Marilyn Ross seconded the motion. All voted aye and the motion carried.

Those people in attendance at the meeting were Cathy Gustin, Charity Fechter, Troy White, Andy Willet, Rocky Hermanson, George Means, MaryAnn O'Malley, Dan McCauley, Shawn Anderson, Jim Jarvis, Bundy Bailey, Peggy Kaatz, Diane Degner, Donna Gilman, Vicki Tilstra, Shelly Burke, and those on the attached list.

**Bear Creek Estates Subdivision Discussion:** Charity Fechter, Planning Director, Troy White and Rocky Hermanson, Subdividers, and Andy Willet, Attorney for Subdividers, met with the Board to discuss the changes to the original preliminary plat of Bear Creek Estates Subdivision. Andy Willet explained that lawsuits involved with the original preliminary plat have been resolved; and that the subdividers have reduced the number of lots from eight to four to better fit with the agricultural surrounding of the valley and neighboring properties. Lots have increased in size but the number of buildings will be restricted. The subdividers requested that the requirements be reduced to minor subdivision regulations. Charity Fechter stated that because this has been a contentious subdivision she feels it should go back to the Planning Board for their comments. Charity will review the proposal and bring it back to the Board next week.

**Planning Board Summary:** Charity Fechter, Planning Director, presented the Board with a summary of the July 28, 2008, Planning Board meeting and reviewed this summary with them.

**Victim Witness Advocacy Grant:** Marilyn Ross moved to approve the State of Montana, Board of Crime Control, Grant Award, for the Victim Witness Advocacy Program, Subgrant Number 08-V01-90257, in the amount of \$17,400 with a local match of \$4,350, for a total project amount of \$21,750 for the period beginning July 1, 2008, through June 30, 2009, with Amy Donovan as project director. Because Jim Hart stepped out of the meeting to make a telephone call, David Schulz seconded the motion. All voted aye and the motion carried.

**Claims:** The Board approved claims.

**Grants – Noxious Weed Seed Free Forage Contracts:** Jim Hart moved to approve the Weed District Contract, MDA #NWSFF-08-17, between the Montana Department of Agriculture and the Madison County Weed District, effective from the date of the contract through June 30, 2010, whereby the weed district agrees to perform through its employees and qualified agents the duties and responsibilities as noxious weed seed free forage field inspectors. Marilyn Ross seconded the motion. All voted aye and the motion carried.

**Airports – Ennis AIP:** Marilyn Ross moved to approve the Federal Aviation Administration Forms 5100-60 for reimbursement of program costs for Big Sky (Ennis) Airport Improvements, AIP 3-30-0090-010-2008, in the amount of \$353,497.81. Jim Hart seconded the motion. All voted aye and the motion carried.

**Airports – Manager Positions:** The Board participated in interviews for the Twin Bridges Airport Manager position, on July 25, 2008, beginning at 4:30 p.m. at the Twin Bridges Airport. The Board will wait for a recommendation from the Airport Board before making a final choice for the position.

**Airports – Montana Cooperative Fire Protection Agreement:** Marilyn Ross moved to approve the Project and Financial Plan #08-FI-11010200-035 to the Montana Cooperative Fire Protection Agreement #05-FI-11015600-014 between the Montana Department of Natural Resources and Conservation – Fire and Aviation Management Bureau, Forestry Division, the Madison County Airport Commission and Madison County, and the USDA Forest Service Beaverhead-Deer Lodge National Forest, to maintain wildland fire protection organizations and have responsibility for fire suppression activities on intermingled state, private, and federal lands, effective until December 31, 2009. Jim Hart seconded the motion. All voted aye and the motion carried.

**Journal Vouchers:** Marilyn Ross moved to approve Journal Vouchers for the June 2008 accounting period. Jim Hart seconded the motion. All voted aye and the motion carried.

**Commissioners' Desks:** Marilyn Ross recommended that Laurie order two new desks for the Commissioners' Office.

**Reward for Returned Finials:** The Board discussed issuance of a reward to the person responsible for the return of the finials from the Courthouse fence. Jim Hart will contact the Sheriff and/or Undersheriff for an opinion on whether to pay the reward.

**Mileage Rate Resolution:** Marilyn Ross moved to approve Resolution 28-2008, a resolution amending Resolution 1-2008 setting mileage rates for Calendar Year 2008. Jim Hart seconded the motion. All voted aye and the motion carried.

**Public Hearing – Second Reading of Ordinance 3-2008; an ordinance amending Ordinance 3-88.** This ordinance pertains to reducing the speed limit to 25 mph on County roads in the township of Silverstar, Montana. Chairman Schulz opened the Public Hearing for the second reading of Ordinance 3-2008. No members of the public were present for the hearing. Jim Hart read the ordinance. Hearing no opposition, Marilyn Ross move to adopt Ordinance 3-2008 on this second reading to become effective August 28, 2008. Jim Hart seconded the motion. All voted aye and the motion carried.

**Twin Bridges Road Crew Position:** Marilyn Ross informed the Board that she had hired Kyle Koenig for the seasonal position in Twin Bridges, Montana.

**Office Space:** MaryAnn O'Malley, Justice of the Peace, met with the Board to discuss making her temporary court room more sound proof by adding higher walls and a ceiling. George Means, City Preservation Officer, was also present for this portion of the meeting. MaryAnn stated that the new area has been working well for a court room except for the noise problem. She also requested that she be allowed to get a telephone installed for this area. David Schulz suggested alternatives for court room and/or office space for Justice Court. The Board will look at this and other suggestions.

**Public Hearing – Madison Valley Renewable Energy Project:** Chairman Schulz opened the Public Hearing for the Madison Valley Renewable Energy Tower Permit Application at 1:00 p.m. Charity Fechter, Planning Director, Jim Jarvis, Planner II, and those on the attached list were present for this portion of the meeting. Jim Jarvis reviewed the staff report for the proposal to erect eight meteorological towers in the Norris area for data collection and evaluation of wind farm suitability. Jim stated that the application must be reviewed against three criteria: Public Safety; Compatibility with Adjoining Land Uses and Scenic Resources; and Impacts on Migratory Birds. Jim also stated that review provides for abandonment of the towers and Indemnification and Insurance. Jim recommended that the 8 meteorological tower Madison Valley Renewable Energy project be approved, provided the project is built and operated as proposed and subject to four conditions. Les Brown, MVRE, presented a slide show of the project. The Board opened the hearing for public comment. Sheril Gold, Jim Parsons, and Ellis Thompson all spoke against the project. Ben Ellis and Diane Rice spoke in favor of the project. After lengthy discussion regarding bird and bat mortality and other issues, Marilyn Ross moved to approve the Madison Valley Renewable Energy meteorological tower permit application located within a seven mile radius of the intersection of US Highway 287 North and Montana Highway 84, generally north and south of Norris, Montana, with the staff recommended conditions. Jim Hart seconded the motion. All voted aye and the motion carried.

**Sagebrush Energy – Tower Permit Application:** Charity Fechter, Planning Director, reviewed the staff report for this project, stating that Sagebrush Energy has proposed eight 2.5 megawatt turbines with a maximum hub height of 80 meters (262 feet) for the Norris Hill Wind Project. Those on the attached list were also present for this portion of the meeting. Charity stated that she has received two letters withdrawing opposition to the project and that the proposed project meets the requirements of Madison County Ordinance 1-2003, provided the project is built and operated as proposed and subject to conditions. Charity recommended approval of the project and the request that the project be designated as new industry and recommended that the setback for tower #8 be at least 100% of the maximum tower height from rights-of ways or overhead power lines. Ben Ellis

gave a brief overview of the project, discussing the impacts to property values and bird and bat mortality issues in the Judith Gap area. After much discussion Marilyn Ross moved to approve the Tower Permit Application for Commissioner's Meeting – July 29, 2008

the Sagebrush Energy – Norris Hill Wind Project on 600 acres located 1.5 miles south of Norris on the west side of Bradley Creek Road, with eleven staff recommended conditions and two requests. Jim Hart seconded the motion all voted aye and the motion carried. David Schulz clarified that the Ordinance does not offer the Board an opportunity to say yes or no to a project such as this, but that it gives them the opportunity to make sure the process is followed.

**TSEP Bridge Bid Openings:** The Board received three sealed bids for the TSEP bridge projects. David Schulz opened the bids. Dan McCauley, Great West Engineering, checked the bids for bid bonds, registration numbers, signature, and acknowledgement of Addendums 1, 2, and 3. Dan read the bid amounts and the deductive alternatives. Dan suggested that the bids be taken under advisement and that he would review them and check the numbers. The Board will wait for Dan's results before taking action on the bids.

**Deputy Discrepancy:** Peggy Kaatz, Clerk and Recorder, Bundy Bailey, Clerk of Court, and Diane Degner, Deputy Clerk of Court, met with the Board to discuss the deputy wage discrepancy. Bundy asked questions regarding Jim Hart's previous employment and asked that David Schulz's comment "that we would revisit it next year" from a previous meeting be added to the minutes. David Schulz stated that it would be added to the current minutes. Bundy was in agreement. Bundy stated that there is no grievance procedure to air grievances related to the Board. Diane stated that she did not feel a decrease in her position was fair without first discussing it with other elected officials. Marilyn Ross stated that she could not consider a 7.65% increase in salary a "decrease". Jim Hart stated that most wages in Madison County are comparable to other counties, but elected officials were not until the recent increase. Bundy stated that deputies have the exact same responsibilities as an elected official and, therefore, should get a comparable salary. Peggy apologized to Bundy, but disagreed with her, stating that she has a lot more responsibility than her deputies. After further salary related discussion, Bundy presented the Board with a folder containing letters and deputy comparisons. The Board shared a Clerk of Court / Deputy Clerk of Court salary comparison for 2007-2008 reflecting deputy percentages from twenty-three counties. In closing Bundy stated that there are more disgruntled employees than you realize. Diane Degner stated that she is happy that Bundy stuck up for her and she is only concerned for herself, no one else.

**Vision Plan:** This agenda item was continued to Wednesday, July 30, 2008, at 9:00 a.m.

**Amended Salary Resolution:** Marilyn Ross moved to adopt Resolution 29-2008, a resolution amending Resolution 26-2008 setting salaries for Fiscal Year 2008-2009. Jim Hart seconded the motion. All voted aye and the motion carried.

**Big Sky Law Enforcement Agreement:** Jim Hart moved to approve the Agreement between Gallatin County, Madison County, and Big Sky Resort Area District for Big Sky law enforcement for the period beginning July 1, 2008 and expiring June 30, 2009. Marilyn Ross seconded the motion. All voted aye and the motion carried.

**Request to Amend July 1, 2008 Minutes:** The Board discussed a request, signed by Peggy Kaatz, Kathleen Mumme, and Diane Degner, that the minutes from the July 1, 2008, Commission meeting be amended. After discussion, Jim Hart moved to deny the request. Marilyn Ross seconded the motion. All voted aye and the motion carried.

With no further business this portion of the meeting was adjourned at 5:54 p.m.

**Wednesday, July 30, 2008, at 9:00 a.m.:** Commissioners David Schulz and Jim Hart present.

**Vision Plan:** Donna Gilman, Sanitarian's Clerk, Vicki Tilstra, Chief Financial Officer, and Shelly Burke, Treasurer, met with the Board to discuss increasing the employee benefits in the current vision plan. Jim Hart move to increased the amount of benefits to the Madison County vision plan to \$80 for an exam; \$50 for frames; \$50 for lenses; and \$100 for contact lenses; with a maximum benefit of \$180 per insured per fiscal year, with the premium rates remaining the same and offering an open enrollment period of thirty days beginning August 1,

2008. David Schulz seconded the motion. All voted aye and the motion carried.

Commissioner's Meeting – July 29, 2008

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David Schulz, Chairman  
Board of Madison County Commissioners

Date Approved: August 5, 2008

Minutes prepared by:

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Laurie Buyan, Administrative Assistant

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Peggy Kaatz, Clerk and Recorder, Madison County